

EXHIBIT A

EXHIBIT A**Terms for which the parties agree on claim construction**

Claim Term	Patent/Claim	Stipulated Construction
“treating”	‘020 patent, claim 2; ‘195 patent, claim 1 ‘804 patent, claim 1 ‘921 patent, claims 10, 12-14	“attempting to cause a therapeutic effect on”
“is treated in the patient”	‘195 patent, claims 1 ‘804 patent, claim 1	“an attempt is made to cause a therapeutic effect in the patient”

Terms for which the parties agree no construction is required and plain and ordinary meaning should be applied

Claim Term	Patent/Claim
“hydrate”	‘195 patent, claims 4-6; ‘921 patent, claims 1, 5
“anhydrate”	‘020 patent, claim 1 ‘195 patent, claims 3, 7 ‘804 patent, claim 1 ‘921 patent, claims 1-3, 5, 11
“solvate”	‘921 patent, claims 1, 4
“dihydrochloride”	‘921 patent, claim 1
“conventional”¹	‘195 patent, claim 2 ‘804 patent, claim 1 ‘921 patent, claims 11, 15

¹ Defendants reserve the right to contend that this term is indefinite under 35 U.S.C. § 112.

Clauses the parties agree are limiting

Clause	Patent/Claim
“wherein said patient is suffering from a depressive disorder”	‘020 patent, claim 4
“wherein said patient is suffering from a major depressive disorder”	‘020 patent, claim 5
“wherein the major depressive disorder is treated in the patient”	‘804 patent, claim 1
“wherein a depressive disorder is treated in the patient”	‘195 patent, claim 1
“wherein the depressive disorder is major depressive disorder”	‘195 patent, claim 16

Clauses the parties agree are not limiting

Clause	Patent/Claim
“A method of treating a depressive disorder”	‘195 patent, claim 1
“A method of treating a major depressive disorder”	‘804 patent, claim 1

EXHIBIT B

EXHIBIT B**Joint Claim Construction Chart**

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
“administer” “administered” “administering”	‘020 patent, claim 2 ‘195 patent, claims 1-2 ‘804 patent, claim 1 ‘921 patent, claims 10, 12-14	Defendants	<p><i>Plain meaning/no construction required</i></p> <p>‘804 patent¹, col. 15, ll. 29-36 and 64-67.</p> <p>‘241 patent, col. 8, ll. 39-55.</p> <p>File history of ‘020 patent, preliminary amendment filed April 28, 2008, at pp. 5-8, 16.</p> <p>File history of ‘195 patent, preliminary amendment filed November 12, 2010, at p. 2.</p> <p>File history of ‘804 patent, claims as filed May 4, 2011, at p. 47; Amendment and Response to Non-Final Rejection, filed February 9, 2012, at p. 2; Amendment and Response to Final Rejection,</p>	<p><i>deliver[ed/ing] into the body</i></p> <p>‘020 patent, <i>see, e.g.</i>, col. 15, lines 31-34; col. 28, lines 10-19</p> <p>‘195 patent, <i>see, e.g.</i>, col. 15, lines 12-15; col. 26, line 60-col. 27, line 2</p> <p>‘804 patent, <i>see, e.g.</i>, col. 15, lines 29-32; col. 27 line 14-col. 28, line 7</p> <p>‘921 patent, <i>see, e.g.</i>, col. 15, lines 27-30; col. 27, line 42-col. 28, line 4; col. 28, lines 10-44</p> <p>‘020 patent file history (VB0000001-617)</p> <p>‘195 patent file history</p>

¹ All the patents-in-suit share the same patent specification. Thus, all references to the specification herein are made to the ‘804 patent as a representative example, and include corresponding cites in the ‘020, ‘195, and ‘921 patents.

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			<p>filed May 23, 2012, at pp. 2-4.</p> <p>File history of '921 patent, preliminary amendment filed September 19, 2013, at pp. 4-5.</p>	<p>(VB0000618-1239)</p> <p>'804 patent file history (VB0001240-1667)</p> <p>'921 patent file history (VB0001668-1938)</p>
"effective amount"	'804 patent, claim 1 '195 patent, claims 1-2 '921 patent, claims 13-14	Defendants	<p><i>Amount sufficient to promote a therapeutic effect</i></p> <p>'804 patent col. 1, ll. 30-36; col. 15, ll. 24-36; col. 16, ll. 24-26; '804 patent, col. 15, ll. 64-67.</p> <p>U.S. Pat. No. 5,532,241, col. 8, ll. 24-55; col. 15, l. 16-col. 16, l. 14.</p> <p>File history of '195 patent, preliminary amendment filed November 12, 2010, at p. 2; Amendment and Response to Non-Final Office Action, filed December 16, 2011, at p. 2.</p> <p>File history of '804 patent, claims as filed May 4, 2011, at p. 47; Amendment and Response to Non-Final</p>	<p><i>An amount of the specified crystalline modification of vilazodone HCl sufficient to produce the desired effect</i></p> <p>'921 patent at col. 15, lines 62-65</p> <p>'195 patent file history (VB0000618-1239), <i>see, e.g.</i>, August 17, 2011 non-final rejection (VB0000797-811);</p> <p>'195 patent at col. 15 lines 47-50;</p> <p>'804 patent at col. 15, lines 64-67.</p>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			Rejection, filed February 9, 2012, at p. 2; Response After Final Action filed May 23, 2012, at pp. 2 and 4. File history of '921 patent, preliminary amendment filed September 19, 2013, at p. 5.	
“crystalline modification” or “crystalline”	'020 patent, claim 1 '195 patent, claim 1 '804 patent, claim 1 '921 patent, claims 1, 5, 11, 13	Defendants	<i>Crystalline form (for “crystalline modification”), plain meaning/no construction required (for “crystalline”)</i> '804 patent, Abstract; col. 1, ll. 52-67; col. 2, ll. 1-16; col. 2, l. 20 to col. 3, l. 19; col. 4, ll. 18-20, 32-38, and 44-46; col. 5, ll. 1-3, 19-22 and 43-48; col. 6, ll. 26-33; col. 7, ll. 10-18 and 37-43; col. 8, ll. 12-19 and 50-56; col. 9, ll. 5-8, 12-15, and 48-54; col. 11, ll. 34-39; col. 12, ll. 5-13, 39-42, and 61-67; col. 13, ll. 34-36, 54-55 and 62-67; col. 14, ll. 11-12 and 29-32; col. 16, ll. 10-13, 42-43, and 50-56; col. 17, ll. 1-2, 12-13, 28-30 and 63-65; col. 18,	<i>Entirely in crystalline form comprising only Form I to XVI, and combinations thereof (as appropriate)</i> '020 patent, <i>see, e.g.</i> , Abstract; col. 1, line 14-col. 2, line 6; col. 2, line 10-col. 3, line 20; col. 4, line 65-col. 5, line 25; col. 14, line 62-col. 15, line 17; col. 15, lines 31-42; col. 15, lines 56-67; col. 16, lines 1-5; col. 16, lines 15-20; col. 27, line 40-col. 28, line 9. '020 patent file history (VB0000001-617), <i>see, e.g.</i> , September 1, 2009 Requirement for Restriction (VB0000350-359); September 11, 2009 Response to Restriction (VB0000333-347);

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			<p>ll. 12-14, 31-32, 41-44, 48-52, and 63-67; col. 19, ll. 10-16, and 20-24; col. 20, ll. 23-27.</p> <p>File history of '020 patent, claims as filed April 28, 2008, at pp. 47-49; preliminary amendment filed April 28, 2008, at pp. 3-15; Response to Restriction Requirement filed September 11, 2009, at pp. 2-14; Supplemental Response filed September 23, 2009, at pp. 2-14; Amendment after Non-Final Rejection filed March 18, 2010, at pp. 2-3 and 6-8.</p> <p>File history of '195 patent, claims as filed November 12, 2010, at pp. 47-49; preliminary amendment filed November 12, 2010, at pp. 2-3 and 5; Non-Final Rejection, mailed August 17, 2011, at pp. 13-14; Amendment and Response after Non-Final Rejection, filed December 16, 2011, at pp. 2-3.</p> <p>File history of '804 patent,</p>	<p>September 23, 2009 Supplemental Response to Restriction (VB0000314-329); December 18, 2009 Non-Final Rejection (VB0000266-272); March 18, 2010 Amendment (VB0000253-262); July 29, 2010 Notice of Allowance (VB0000212-217).</p> <p>'195 patent, <i>see, e.g.</i>, Abstract; col. 1, line 15-col. 2, line 9; col. 2, line 12-col. 3, line 24; col. 4, line 59-col. 5, line 13; col. 5, line 9-10; col. 14, line 43-65; col. 15, lines 12-19; col. 15, lines 35-50; col. 15, lines 60-67; col. 26, lines 60-65.</p> <p>'195 patent file history (VB0000618-1239), <i>see, e.g.</i>, August 17, 2011 non-final rejection (VB0000797-811); December 16, 2011 Response (VB0000669-675); March 19, 2012 Notice of Allowance (VB0000650-656).</p> <p>'804 patent, <i>see, e.g.</i>, Abstract; col. 1, line 24-col. 2, line 16; col. 2, line 20-col. 3, line 30;</p>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			<p>claims as filed May 4, 2011, at pp. 47-48; Amendment and Response to Non-Final Rejection, filed February 9, 2012, at pp. 2-5; Amendment and Response to Final Rejection, filed May 23, 2012, at pp. 2 and 4.</p> <p>File history of '921 patent, claims as filed September 19, 2013, at pp. 47-49; preliminary amendment filed September 19, 2013, at pp. 3-5; Notice of Allowability mailed December 13, 2013 at p. 2.</p>	<p>col. 5, lines 1-22; col. 14, line 60-col. 15, line 15; col. 15 lines 29-36; col. 15, lines 52-67, col. 16, lines 10-17; col. 27, line 15-col. 28, line 7.</p> <p>'804 patent file history (VB0001240-1667), <i>see, e.g.</i>, November 18, 2011 Non-Final Rejection (VB0001387-1396); February 9, 2012 Amendment and Response (VB0001297-1301); March 27, 2012 Final Rejection (VB0001283-1293); May 23, 2012 Amendment and Response (VB0001272-1276); June 4, 2012 Notice of Allowance(VB0001246-1253).</p> <p>'921 patent, <i>see, e.g.</i>, Abstract; col. 1, line 29-col. 2, line 21; col. 2, line 25-col. 3, line 35; col. 5, lines 4-25; col. 14, line 58-col. 15, line 13; col. 15 lines 22-34; col. 15, lines 50-65, col. 16, lines 8-15; col. 27, lines 13-17; col. 27, lines 23-28; col. 28, lines 5-9; col. 28, lines 21-33.</p> <p>'921 patent file history</p>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
				(VB0001668-1938), <i>see, e.g.</i> , December 13, 2013 Notice of Allowance (VB0001680-1688).
“exhibits the following XRD data”	'020 patent, claim 1	Defendants	<p><i>Displays X-ray diffraction pattern consistent with the following values, with experimental error ranges (e.g., +/- 0.1° for two-theta values)</i></p> <p>'804 patent, cols. 24-27, Table III.</p> <p>File history of '020 patent, Amendment after Non-Final Rejection filed March 18, 2010, at pp. 2-3, 6, and 8.</p>	<p><i>Must show all the following peaks and intensities</i></p> <p>'020 patent file history (VB0000001 – VB0000617), <i>see, e.g.</i>, April 28, 2008 Claims, (VB0000593 – VB0000602); September 23, 2009 Non-Final Rejection, (VB0000266 - VB0000272); March 18, 2010 Amended Claims</p> <p>(VB0000254 – VB0000255); June 17, 2010 Notice of Allowance</p> <p>(VB0000212 – VB0000217).</p>
“corresponding to”	'804 patent, claims 1-3	Defendants	<p><i>Consistent with</i></p> <p>'804 patent, cols. 24-27, Table III.</p> <p>File history of '804 patent,</p>	<p><i>Matching the precise values recited in the claims</i></p> <p>Application 12/566,835 (Parent to the '804 Patent)</p>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			Amendment and Response to Non-Final Office Action, filed February 9, 2012, at pp. 2 and 4; Response After Final Action filed May 23, 2012, at pp. 2 and 4.	
“characteristic peak”	'804 patent, claims 1-3	Defendants	<p><i>Peak representative of a crystalline form's X-ray diffraction pattern</i></p> <p>'804 patent col. 5, ll. 23-25; col. 6, ll. 7-9 and 58-60; col. 7, ll. 33-34 and 58-60; col. 8, ll. 33-35; col. 9, ll. 29-31; col. 10, ll. 22-24 and 62-64; col. 11, ll. 55-57; col. 12, ll. 43-45; col. 13, ll. 16-18 and 43-44; col. 14, ll. 6-8 and 36-37; col. 20, ll. 30-31; cols. 24-27, Table III.</p> <p>File history of '804 patent, Amendment and Response to Non-Final Rejection, filed February 9, 2012, at pp. 2-4; Amendment and Response to Final Rejection, filed May 23, 2012, at pp. 2 and 4.</p>	<p><i>A powder XRD peak having intensity $\geq 3 \times \text{noise}$, which serves to identify the crystalline modification</i></p> <p>'804 patent, Table III (<i>e.g.</i>, caption (<i>e.g.</i>, col. 24, lines 30-35), footnote to Table III (col. 27, line 11, “*further peaks exhibit intensities $< 3 \times \text{noise}$”), col. 26, lines 47-49).</p> <p>'804 patent file history (VB0001240-1667), <i>see, e.g.</i>, November 18, 2011 Non-Final Rejection (VB0001387-1396); February 9, 2012 Amendment and Response (VB0001297-1301);</p>
“A method of treating a patient	'020 patent, claim 2;	Plaintiffs	<i>Entire preamble is limiting</i>	<i>“A method of treating,” is not</i>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
suffering from a depressive disorder, an anxiety disorder, a bipolar disorder, mania, dementia, a substance-related disorder, a sexual dysfunction, an eating disorder, obesity, fibromyalgia, a sleeping disorder, a psychiatric disorder, cerebral infarct, tension, side-effects in the treatment of hypertension, a cerebral disorder, chronic pain, acromegaly, hypogonadism, secondary amenorrhea, premenstrual syndrome, undesired puerperal lactation, or combinations thereof"	'921 patent, claims 10, 12 -14		<p>'804 patent, Abstract, col. 1, ll. 24-26 and 30-36; col. 2, l. 39 to col. 3, l. 30; col. 14, l. 60- col. 15, l. 23; col. 15, ll. 37-39; col. 15, l. 52 to col. 16, l. 13.</p> <p>File history of '020 patent, claims as filed April 28, 2008, at pp. 47-50; preliminary amendment filed April 28, 2008, at pp. 4-8, 16; Response to Restriction Requirement filed September 11, 2009, at pp. 3-6; Supplemental Response to Restriction Requirement filed September 23, 2009, at pp. 3-6; Response to Non-Final Office Action filed March 18, 2010, at pp. 3-4 and 7; Request for Extension of Patent Term under 35 U.S.C. § 156 filed March 17, 2011, at pp. 5-6.</p> <p>File history of '195 patent, claims as filed November 12, 2010, at pp. 47-50; preliminary amendment filed November 12, 2010, at pp. 2 and 5; Amendment and Response to</p>	<p>limiting</p> <p>'020 patent, <i>see, e.g.</i>, col. 14, lines 66-67; col. 16, lines 1-4); col. 28, lines 10-19</p> <p>'921 patent, <i>see, e.g.</i>, col. 2, lines 46-47; col. 15, lines 62-65; col. 27, line 42-col. 28, line 4; col. 28, lines 10-44</p>

Claim Term	Patent/Claim	Parties proposing to construe term	Plaintiffs' construction and intrinsic record citations	Defendants' construction and intrinsic record citations
			<p>Non-Final Office Action, filed December 16, 2011, at pp. 2-4.</p> <p>File history of '804 patent, claims as filed May 4, 2011, at p. 47; Amendment and Response to Non-Final Rejection, filed February 9, 2012, at pp. 2-3; Amendment and Response to Final Rejection, filed May 23, 2012, at pp. 2, 4.</p> <p>File history of '921 patent, claims as filed September 19, 2013, at pp. 48-50; preliminary amendment filed September 19, 2013, at pp. 4-6.</p>	